

**AQAA  
DAR COUNCIL ACTIVITY REPORT  
30 October 1996**

**FAR/DFARS Cases Discussed:**

96-D016	<b>Antiterrorism Training:</b> Requires contractors to conduct antiterrorism training for contractor employees assigned overseas. DoD still has not finalized policy in this area, i.e., train who, and to what extent.	Discussed status with International Acquisitions Chair. On hold pending DoD policy decisions.
95-309	<b>Agency Procurement Protests:</b> Implements EO 12979 which requires the heads of executive agencies to prescribe administrative procedures for the resolution of protests as an alternative to protests outside the procuring agencies.	Agreed to final rule, w/ edits. Still allows the <i>de novo</i> approach desired by DLA.
96-607	<b>Year 2000:</b> Adds warranty clause to address year 2000 IT compatibility requirements.	Case on hold pending resolution of policy issues, i.e., is this language more SOW/spec vice "warranty clause?"
96-326	<b>Freedom of Information Act (FOIA):</b> Implements section 821, PL 104-201, which prohibits release of certain proposals under Sect. 552, Title 5.	Agreed to final rule.
96-D010	<b>Carbon Fiber:</b> Deletes the restriction on coal and petroleum pitch carbon fiber. Moves the language on polyacrylonitrile carbon fiber from the subpart which contains foreign policy restrictions based on law to the subpart which contains restrictions based on policy.	Agreed to final rule.
96-D319	<b>Authority to Waive Foreign Purchase Restrictions:</b> Implements Section 810, PL 104-201, which adds new authority to waive the restrictions on foreign purchases at 10 U.S.C. 2534.	On hold pending OSD discussion with Commerce Dept.
96-D327	<b>MILCON--Environmental Restoration:</b> Implements section 101, PL 104-196. This restriction now provides an exception for contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Act.	Agreed to final rule.
96-D328	<b>Preference for U.S. Firms on MILCON Overseas Construction:</b> Implements section 112, PL 104-196, which provides a 20% preference for U.S. firms on all contracts estimated by the Government to exceed \$1 million for MILCON projects in the U.S. territories and possessions in the Pacific and countries bordering the Arabian Gulf.	Agreed to interim rule.
96-D329	<b>Restriction on MILCON Overseas A-E Construction:</b> Implements section 111, PL 104-196, which provides that no funds may be obligated for A-E contracts estimated by the Government to exceed \$500,000 for certain projects unless such contracts are awarded to U.S. firms or U.S. firms in joint ventures.	Agreed to interim rule.
96-D318	<b>Dual-Use Technology Program:</b> Implements Section 203, P.L. 104-201, which requires competitive procedures to be used when contracting for a dual-use project.	Accepted R&D Cmte recommendation to close case. No DFARS coverage required.
96-D322	<b>Foreign Environmental Technology:</b> Implements section 828, PL 104-201, which permits SECDEF to waive prohibition on contracting with an entity controlled by a foreign government for contracts for environmental restoration, remediation, or waste management.	Agreed to final rule. Waived language was moved from clause to DFARS text.

96-D334	<b>Restructuring Costs:</b> Implements Section 8115, PL 104-208, which provides that no funds may be obligated or expended to reimburse a defense contractor for restructuring costs associated with a business combination of the defense contractor that occurs after 30 Sep 96 (the date of enactment of the Act), unless certain exceptions apply.	Agreed to interim rule.
96-D320	<b>Notice of Termination:</b> Implements section 824, PL 104-201, which modifies the notification process resulting from termination or substantial reduction in defense contracts to occur upon actual contract termination or substantial reduction rather than during the budget process.	Agreed to interim rule.
96-D321	<b>Downsizing Notice:</b> Implements section 825, PL 104-201 which repeals the requirement for SECDEF to notify Federal, state, county, or local officials if cancellation or curtailment of a major contract will affect them seriously and substantially.	Agreed to interim rule.
96-D025	<b>Small Business Competitiveness Demonstration Program--Dredging:</b> Case was initiated at the request of the Small Business Committee. Removes DFARS 219.1005(a) because the statutory authority for that cite, Section 772, Title II, PL 102-366, has expired and was not renewed under the FY97 Authorization Act.	Agreed to interim rule. Reclama by 11/01/96.